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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,385	08/23/1999	RICHARD NEY	02950.P015	1209
21186	7590	12/15/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			DIXON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/379,385

**Applicant(s)**

NEY ET AL.

**Examiner**

Thomas A. Dixon

**Art Unit**

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's amendment of 11/18/05 has been entered, however, after a careful reading of the claims in light of the 112 rejections below, the indication of allowability is withdrawn, and the previous rejections to the interaction system of Kuhn are reinstated.

#### ***Claim Rejections - 35 USC § 101***

2. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are not seen to be concrete or repeatable, specifically, it is unclear if the "wherein at least a first entry..." is actually performed or if the first entry of the cumulative record is actually modified, because it is not positively recited and it is unclear when in the process it actually occurs.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1, 14, 27, 28.

Specifically, it is unclear if the "wherein at least a first entry..." is actually performed or if the first entry of the cumulative record is actually modified, because it is not positively recited and it is unclear when in the process it actually occurs.

As per Claim 5.

It is unclear how the key is constructed, utilizing interaction information that is mapped to the cumulative record.

As per Claim 6.

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It is unclear how the cumulative record is identified.

As per Claims 12, 25.

It appears that the word "data" might actually be referring to "date"

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 6-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuhn (6,263,049).

As per Claim 1.

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43 and figure 3;  
identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43; and  
modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 2.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within the interaction information, see column 7, lines 16-25.

As per Claim 3.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 4.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction information occurred, see column 7, line 664 – column 8, line 40.

As per Claim 6.

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Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

As per Claim 7.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 8.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set consisting of a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 9.

Kuhn ('049) further discloses a data operation associated with the respective column comprises a copy operation, see figure 3 (322 Edit pulldown).

As per Claim 10.

Kuhn ('049) further discloses the cumulative record contains interaction derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

As per Claim 11.

Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time, the summarization record comprising a plurality of cumulative records, see figure 3 and column 8, lines 36-48.

As per Claim 12.

Kuhn ('049) further discloses the interaction information includes, see figure 3, source (312), date (316), time (316) and talk time (318).

As per Claim 13.

Kuhn ('049) further discloses the customer interaction system comprises an automatic call distributor, see column 4, lines 4-17, and a computer telephony integration server, see column 4, lines 18-22.

As per Claim 14.

Kuhn ('049) discloses:

a first process to receive a first record including interaction information describing a customer interaction and to identify a cumulative record to which the interaction contributes, see column 7, lines 10-43 and figure 3; and

a second process to modify the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

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As per Claim 15.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within a first record, see column 7, lines 16-25.

As per Claim 16.

Kuhn ('049) further discloses the information of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 17.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction occurred, see column 7, line 64 – column 8, line 40.

As per Claim 18.

Kuhn ('049) further discloses the identification of the cumulative record includes constructing a key, utilizing interaction information that is mapped to the cumulative record, see column 7, lines 10-43.

As per Claim 19.

Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

As per Claim 20.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 21.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set constituting a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 22.

Kuhn ('049) further discloses a data operation associated within the respective column comprises a copy operation, see figure 3 (322 Edit pulldown).

As per Claim 23.

Kuhn ('049) further discloses the cumulative record contains interaction information derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

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As per Claim 24.

Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time, the summarization record comprising a plurality of cumulative records, see figure 3, and column 8, lines 36-48.

As per Claim 25.

Kuhn ('049) further discloses the interaction record includes, see figure 3, source (312), date (316), time (316) and talk time (318).

As per Claim 26.

Kuhn ('049) further discloses the customer interaction system comprises an automatic call distributor, see column 4, lines 4-7 and a computer telephony integration server, see column 4, lines 18-22.

As per Claim 27.

Kuhn ('049) discloses:

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43 and figure 3;

identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43; and

modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 28.

Kuhn ('049) discloses:

a first means to receive a first record including interaction information describing a customer interaction and to identify a cumulative record to which the interaction contributes, see column 7, lines 10-43 and figure 3; and

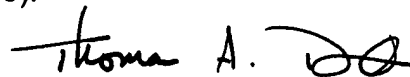
a second means to modify the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

December 05